GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Services – Sri K.L.V. Prasad, the then Asst. Director of Mines and Geology, Srikakulam presently working as District Mines and Geology Officer, Chittor, Chittor District – Departmental proceedings under Rule 20 of Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules 1991 – Article of Charges – Issued.

INDUSTRIES AND COMMERCE (VIGILANCE) DEPARTMENT

G.O. Rt. No.29 Dated:13/02/2024

Read the following:

Vigilance Report No.17(C.No.888/V&E/NR/2014), dated.11.03.2016 & 21.03.2019.

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ORDER:-

It is proposed to hold an enquiry against Sri K.L.V. Prasad, the then Asst. Director of Mines and Geology, Srikakulam, presently working as District Mines and Geology Officer, Chittoor, Chittoor District in accordance with the procedure laid down in Rule 20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991.

2. The substance of the imputation of misconduct or misbehavior in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure-I) and the imputation of misconduct or misbehavior in support of each article of charge is enclosed (Annexure-II). A list of documents by which and a list of whitenesses by whom the articles of charge are proposed to be sustained are also enclosed (Annexure III to IV).

3. Sri K.L.V. Prasad, the then Asst. Director of Mines and Geology, Srikakulam presently working as District Mines and Geology Officer, Chittoor, Chittoor District is directed to submit his written statement of defence within 10 days of the receipt of this order and also state whether he desires to be heard in person.

4. Sri K. L. V. Prasad, the then Asst. Director of Mines and Geology,

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Srikakulam presently working as District Mines and Geology Officer, Chittoor, Chittoor District is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or deny each article of charge.

5. Sri K.L.V. Prasad, the then Asst. Director of Mines and Geology, Srikakulam, presently working as District Mines and Geology Officer, Chittoor, Chittoor District is further informed that if he does not submit his written statement of defense on or before the date specified in para 3 above further action will be taken based on the material available.

6. Attention of Sri K.L.V. Prasad, the then Asst. Director of Mines and Geology, Srikakulam, presently working as District Mines and Geology Officer, Chittoor, Chittooor District is invited to Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964 under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service under Government. If any representation is received on his behalf from another person in respect of any matter dealt with in these proceedings, it will be presumed that he is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

7. The receipt of this order may be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

GOPAL KRISHNA DWIVEDI
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
Sri K.L.V. Prasad, District Mines and Geology Officer, Chittor (through Director

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of Mines and Geology, Ibrahimpatnam with a request to serve the order to the individual and send the served copy with dated signature to Government)

The Director of Mines & Geology, B Block (5th & 6th Floors), Anjaneya Towers, Ibrahimpatnam, Vijayawada, Krishna District.

Copy To:
Sc/Sf.

//FORWARDED :: BY ORDER//

K. Roopa
SECTION OFFICER

ANNEXURE-I

ARTICLE OF CHARGES FRAMED AGAINST SRI K.L.V PRASAD, THE THEN ASST. DIRECTOR OF MINES AND GEOLOGY, SRIKAKULAM, PRESENTLY WORKING AS DISTRICT MINES AND GEOLOGY OFFICER

Charge-I

That, Sri K.L.V. Prasad while working as Assistant Director of Mines and Geology, Srikakulam, the following irregularities have been observed during his tenure for the period from 04.12.2014 to 16.02.2015, 28.08.2015 to 10.09.2015, 17-10-2015 to till the date of Vigilance Report No.17 (C.No.888/V&E/NR/2014) dt.11-03-2016.

The Vigilance and Enforcement Department reported that the Government has granted a Mining Lease for Beach sand minerals over an extent of 7.20 Sq.Kms (1777.74 Acres) in different survey numbers in Vatsvalasa and Tonangi villages of Gara Mandal in Srikakulam district in favor of M/s Trimex Industries Limited for a period of 30 years, subject to obtaining all necessary clearances from revenue Department, Forest, Environment, CRZ and other concerned authorities vide G.O.Ms. No.31, Ind., & Comm (M III) Dept., dated.06.02.2004. Further, the Mining Lease was transferred in favor of M/s East West Mineral Sands (P) Limited vide G.O.Ms.No.10, dated.17.01.2007 of Industries and Commerce Department. The same was executed vide Proc No.288/M/2004 dated.13.04.2007 for unexpired lease period w.e.f. 13-04-2007 to 22-02-2034.

That, the then Asst. Director of Mines and Geology, Srikakulam has issued dispatch permits to the firm for transportation of beach sand minerals within the

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disputed area of 387.72 acres, even though not obtained NOC from the concerned authorities which facilitated the firm to excavate/transport Rs.1295.63 Crores worth of 17,58,112 MT (Seventeen Lakhs Fifty Eight Thousand One Hundred and Twelve Metric Tonnes) of Beach Sand minerals from disputed area of 387.72 Acres of Vatsavalasa village, Gara Mandal, Srikakulam District which is against the conditions of Grant order issued vide G.O. Ms. No.31, dated.06.02.2004 of Industries and Commerce Department.

Thus, the delinquent officer failed to perform his legitimate duties for and is held responsible for the same and violated Rule 3 of APCS(Conduct) Rules,1964.

GOPAL KRISHNA DWIVEDI
SPECIAL CHIEF SECRETARY TO GOVERNMENT

ANNEXURE-II

STATEMENT OF IMPUTATIONS OF MISCONDUCT IN SUPPORT OF THE ARTICLE OF CHARGE FRAMED AGAINST SRI K.L.V.PRASAD, THE THEN ASST. DIRECTOR OF MINES AND GEOLOGY, SRIKAKULAM PRESENTLY WORKING AS DISTRICT MINES AND GEOLOGY OFFICER, CHITTOOR, CHITTOOR DISTRICT.

That, Sri K.L.V.Prasad, the then Assistant Director of Mines and Geology, Srikakulam, the following irregularities have been observed during his tenure.

The Vigilance and Enforcement Department conducted Joint inspections during the period June, September, and November, 2015 and reported as follows.

The Government has granted a prospecting license in favor of M/s Trimex Industries Limited for Beach Sand Minerals over an extent of 10 Sq. Kms from Sy. No.1042 of Srikurmam (V) to confluence of Vamsadhaara River in Srikakulam District for a period of 3 years subject to the applicant company obtaining all necessary clearances from the concerned authorities Revenue, Environment, Shore Area Development Authority etc., vide G.O.Ms. No.305, Industries and Commerce(M-III) Department, dated 02.06.2001.

The Divisional Forest Officer, Srikakulam has accorded permission to M/s. Trimex Industries Limited, to enter into Forest Lands of Vatsavalasa, Korlam and Thonangi Villages of Gara Mandal for exploration purpose in an area of 10 Sq.Km from Sy No.1042 of Srikakulam village up to confluence of Vamsadhara river of Srikakulam district vide Lt. No.2648/2001, dated.19.06.2001.

The District Collector, Srikakulam has also issued Revenue Clearance

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for the un-surveyed land at the sea-shore from Vastsavalasa periphery Kalingapatnam subject to the condition that the company should adhere to the CRZ regulations/Environmental clearance and with the condition that the company should not enter the Kalingapatnam Port Trust area and also into the area granted to other companies vide Rc.No.1674/2000 H3, dated.16.08.2001.

The prospecting license was executed by the Assistant Director of Mines and Geology, Srikakulam for a period of 3 years from 13.09.2001 to 12.09.2004 vide Procd. No 4738/M/98 dated.13.09.2001.

Subsequently, the Government has granted a Mining Lease for Beach Sand minerals over an extent of 7.20 Sq.Kms (1777.74 Acres) in different survey numbers in Vatsavalasa and Thonangi Villages of Gara Manal in Srikakulam District in favor of Ms.Trimex Industries Limited for a period of 30 years, subject to obtaining all necessary clearances from Revenue Department, Forest and Environment, CRZ and other relevant authorities vide G.O.Ms. No.31, Industries and Commerce (M.III) Dept dated 06.02.2004.

In the said G.O. it was also mentioned that the mining operations shall not be commenced without obtaining necessary site clearance and Environment Clearance as applicable from the MoEF, GOI.

The Assistant Director of Mines and Geology, Srikakulam entered into mining lease agreement with M/s Trimex Industries Ltd on 23.02.2004 and issued work order for 30 years, subject to provisions contained in Mines and Minerals (D&R) Act, 1957 and covenants in Form-K prescribed under Mineral Concession Rules,1960 and to the additional conditions specified in the appendix to the lease deed vide Proceedings No.288/M/2004 dated.23.02.2004.

The District Collector, Srikakulam vide D.Dis.No.1852 /2005 H3 dated.

(P.T.O)

24.10.2005 has issued revenue clearance in favor of M/s Trimex Industries Limited over an extent of 1390.02 Acs. against 1777.74 Acres in Vatsavalasa and Tonangi villages of Gara Mandal, Srikakulam District subject to the Court orders as detailed below:

(i) Un surveyed Coastal Land in Vatsavalasa=Acs155.28

(ii) Zeroithi Dry land in S.No.216 and 217 of Vatsavalasa=Acs112.28

(iii) Private Land in Vatsavalasa=Acs178.46

(iv) Private Land in Thonangi=Acs654.55

(v) Un surveyed Coastal Land in Thonangi=Acs89.00

(vi)Central Govt Land in S.No.191 of Thonangi (v)=Acs200.45

Further Mining lease was transferred in favor of M/s East West Mineral Sands (P) Limited vide G.O.Ms.No.10, dated.17.01.2007 of Industries and Commerce Department. The same was executed vide Proc.No.288/M/2004, dated.13.04.2007 for un-expired lease period up to 22.02.2034.

Further, the District Collector, Srikakulam vide Rc. No.36/2014/E2 dated.08.01.2014 submitted report to the Government that the High Court allowed the W.P No.16798/95 on 12.03.1997 and directed to deliver the land, an extent of Acs 112.28 to the pattadars. The remaining Acs 387.72 un surveyed as a part of old Sy.No.216. The petitioners in W.P No.16798/95 preferred a review against the orders dated.12.03.1997 prayed for the total extent of Acs. 500 and same is pending in the court.

The Vigilance and Enforcement Department reported that from 2009 to till date of Vigilance Report dt:11.03.2016 the firm has excavated/transported Rs.1295.63 Crores worth of 17,58,112 Mts of beach Sand minerals from disputed area of 387.72 Acres of Vatsavalasa Village, Gara Mandal, Srikakulam District.

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In view of the above, the delinquent officer issued dispatch permit to the Mining Lease holder during his tenure, even though the firm not obtained NOC/necessary permission from the concerned authorities.

That, Sri K.L.V.Prasad, the then Asst. Director of Mines and Geology, Srikakulam has totally failed to discharge his legitimate duties with due care and diligence resulting in adversely affecting the administration is thereby held responsible for the same and thus violated Rule 3 of APCS(Conduct) Rules, 1964.

GOPAL KRISHNA DWIVEDI
SPECIAL CHIEF SECRETARY TO GOVERNMENT

(P.T.O)

ANNEXURE-III

DOCUMENTARY EVIDENCE

1	G.O.Ms. No. 305, dt.02-06-2001 of I&C (M.III) Dept.
2.	Rc. No.1674/2000 H3, dt.16-08-2001 of the District Collector, Srikakulam.
3.	Proceedings No.4738/M/98, dt.13-09-2001 of ADM&G, Srikakulam.
4.	Lr. No.PCB/ROVZ/TECH/S-190/2003, dt.03-11-2003 of EE, AP. Pollution Control Board.
5.	G.O.Ms. No.31, dt.06-02-2004 I&C (M.III) Dept.
6.	Proceedings No.288/M/04, dt.23-02-2004 of ADM&G, Srikakulam
7.	Rc. No.1852/2003 H3, dt.16-06-2004 of the District Collector, Srikakulam.
8.	Govt. Memo.112189/M.III(1)/04-4, dt.14-07-2005 addressed to the District Collector, Srikakulam.
9.	D.Dis. No.1852/2005 H3, dt.24-10-2005 of the District Collector, Srikakulam.
10.	Proceedings No. 288/M/04, dt.13-04-2007 of ADM&G, Srikakulam

GOPAL KRISHNA DWIVEDI
SPECIAL CHIEF SECRETARY TO GOVERNMENT

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ANNEXURE-IV

List of Witnesses:

--NIL--

GOPAL KRISHNA DWIVEDI
SPECIAL CHIEF SECRETARY TO GOVERNMENT